

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

RICHARD LEANDRO MARTINEZ RIVERA

CASE NO **24-01567-ESL**
CHAPTER 13

MOTION SUBMITTING AMENDED PLAN

TO THE HONORABLE COURT:

Come now Debtor, represented by the undersigned attorney, and very respectfully avers and prays as follows:

1. On April 17, 2024, the debtor filed a Chapter 13 Plan under the provisions of the Bankruptcy Code.

2. The undersigned herein submits an amended Chapter 13 plan dated April 29, 2025.

3. A proposed amended plan dated April 29, 2025 is attached hereto. Under the modified plan the sections modified were:

- **SECTION 2.1 – TO INCREASE STEP PAYMENT & BASE**

WHEREFORE applicant prays from this Honorable Court to take notice of the aforementioned information and grant any appropriate relief.

NOTICE: **Within** fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this April 29, 2025.

CERTIFICATE OF SERVICE: I hereby certify that on this same date the foregoing motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants. Furthermore, I certify that notification to all non CM/ECF participants of record are being notified by first class mail.

EMG Despacho Legal, C.R.L.
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By: /s/Edgardo Mangual González
EDGARDO MANGUAL GONZÁLEZ
USDC No. 223113

By: /s/José L. Jiménez Quiñones
JOSE L. JIMENEZ QUINONES
USDC No. 203808
e-mail: lcdojosejimenez@gmail.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re:
RICHARD LEANDRO MARTINEZ RIVERA

xxx-xx-4000

Case No.: **24-01567-ESL**

Chapter 13

☒ Check if this is a pre-confirmation amended plan

☐ Check if this is a post confirmation amended plan

Proposed by:

☒ Debtor(s)

☐ Trustee

☐ Unsecured creditor(s)

If this is an amended plan, list below the sections of the plan that have been changed.

SECTION 2.1

Puerto Rico Local Form G

Chapter 13 Plan dated April 29, 2025 .

PART 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

PART 2: Plan Payments and Length of Plan**2.1 Debtor(s) will make payments to the trustee as follows:**

PMT Amount	Period(s)	Period(s) Totals	Comments
\$900.00	Months 1 through 10	\$9,000.00	
\$1,075.00	Months 11 through 60	\$53,750.00	
Subtotals	60 Months	\$62,750.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
☒ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

PART3: Treatment of Secured Claims**3.1 Maintenance of payments and cure of default, if any.**

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

Debtor **RICHARD LEANDRO MARTINEZ RIVERA**Case number **24-01567-ESL**☒ Payments pursuant to 11 USC §1326(a)(1)(C):

Name of secured creditor

\$ Amount of APMP

Comments

Bmw Financial Services	533.00
Freedom Road Financial	83.00

UNTIL OF THE CONFIRMATION
UNTIL OF THE CONFIRMATION

Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.☒ Secured claims listed below shall be modified pursuant to 11 U.S.C. § 1322(b)(2) and/or § 1322(c)(2). Upon confirmation, the trustee shall pay the allowed claim as expressly modified by this section, at the annual interest rate and monthly payments described below. Any listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If no monthly payment amount is listed below, distribution will be prorated according to plan section 7.2.

Name of creditor	Claim ID#	Claim Amount	Modified interest rate	Modified term (Months)	Modified P&I	Property taxes (Escrow)	Property Insurance (Escrow)	Total monthly payment	Estimated total PMTs by trustee
Bmw Financial Services	CL 8	\$33,865.03	1.99%						\$35,538.08
		<input checked="" type="checkbox"/> To be paid in full 100%							
							Starting on Plan Month _		
Freedom Road Financial	CL 7	\$5,908.57							\$5,908.57
		<input checked="" type="checkbox"/> To be paid in full 100%							
							Starting on Plan Month _		

Insert additional claims as needed.

PART 4: Treatment of Fees and Priority Claims**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 Attorney's fees

Check one.

Debtor RICHARD LEANDRO MARTINEZ RIVERACase number 24-01567-ESL

☐ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☒ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:

\$ 1,187.00

Balance of attorney's fees to be paid under this plan are estimated to be:

\$ 3,813.00

If this is a post-confirmation amended plan, estimated attorney's fees:

\$ _____

4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6*Check one.*

☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The Trustee shall pay in full all allowed claims entitled to priority under §507, §1322(a)(2), estimated in **\$326.48**

Name of priority creditorINTERNAL REVENUE SERVICES**Estimate amount of claim to be paid**\$326.48*Insert additional claims as needed.***4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.***Check one.*

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 Post confirmation property insurance coverage*Check one.*

☐ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

☒ The Debtor(s) propose to provide post confirmation property insurance coverage to the secured creditors listed below:

Name of creditor insured	Insurance Company	Insurance coverage beginning date	Estimated insurance premium to be paid	Estimated total payments by trustee
<u>BMW FINANCIAL SERVICES</u>	<u>ESTERN AMERICAN INSURANCE</u>	<u>9/1/2024</u>	<u>\$59.00</u>	<u>\$2,950.00</u>
Disbursed by:				
<input checked="" type="checkbox"/> Trustee				
<input type="checkbox"/> Debtor(s)				

*Insert additional claims as needed.***PART 5: Treatment of Nonpriority Unsecured Claims****5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- ☐ The sum of \$ _____.
- ☐ _____% of the total amount of these claims, an estimated payment of \$ _____.
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ _____.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.*Check one.*☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.**5.3 Other separately classified nonpriority unsecured claims.***Check one.*☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.**PART 6: Executory Contracts and Unexpired Leases****6.1** The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.*Check one.*☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.☒ **Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of Creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments to trustee
ARI A ROBLES CARRION	RENT AGREEMENT OVER RESIDENTIAL PROPERTY LOCATED AT URB EL CORTIJO L 13 CALLE 14, BAYAMON, PR \$800.00 MO / NO ARREARS (ASSUME & REAFFIRM)	\$800.00	\$0.00		\$0.00
Disbursed by:					
<input type="checkbox"/> Trustee					
<input checked="" type="checkbox"/> Debtor(s)					

*Insert additional contracts or leases as needed.***PART 7: Vesting of Property of the Estate & Plan Distribution Order****7.1 Property of the estate will vest in the Debtor(s) upon***Check the applicable box:*☒ Plan confirmation.☐ Entry of discharge.☐ Other: _____**7.2 Plan distribution by the trustee will be in the following order:**

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments

- 3. Distribution on Secured Claims (Part 3, Section 3.2)
- 3. Distribution on Secured Claims (Part 3, Section 3.3)
- 3. Distribution on Secured Claims (Part 3, Section 3.4)
- 3. Distribution on Unsecured Claims (Part 6, Section 6.1)
- 4. Distribution on Priority Claims (Part 4, Section 4.4)
- 5. Distribution on Priority Claims (Part 4, Section 4.5)
- 6. Distribution on Unsecured Claims (Part 5, Section 5.2)
- 6. Distribution on Unsecured Claims (Part 5, Section 5.3)
- 7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions

8.1 Check "None" or list the nonstandard plan provisions

☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

8.2 This Section modifies LBF-G, Part 2, Section 2.3: Income Tax Refunds to be used to fund the plan:

Tax refunds will be devoted each year, as periodic payments, to fund the plan until the plan's completion. The tender of such payments shall deem the plan modified by such amounts, increasing the base without the need of further Notice, Hearing or Court Order. If the Debtor(s) need(s) to the use all or portion of such "Tax Refunds", Debtor(s) shall seek Court's authorization prior to any use of funds.

8.3 This Section modifies LBF-G, Part 3, Sections 3.1, 3.3, 3.4 & 3.7 : Retention of Lien :

Secured creditors will retain their liens.

Insert additional lines as needed.

PART 9: Signature(s)

/s/ Lcdo. Edgardo Mangual Gonzalez
Lcdo. Edgardo Mangual Gonzalez 223113
 Signature of Attorney of Debtor(s)

Date April 29, 2025

/s/ RICHARD LEANDRO MARTINEZ RIVERA
RICHARD LEANDRO MARTINEZ RIVERA

Date April 29, 2025

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.

Label Matrix for local noticing
0104-3
Case 24-01567-ESL13
District of Puerto Rico
Old San Juan
Fri Apr 19 11:23:55 AST 2024

Amex
Po Box 6789
Sioux Falls, SD 57117-6789

Citi Card Best Buy
Attn Citicorp Cr Srvs Centralized Bankr
Po Box 790040
St Louis, MO 63179-0040

Costco Citi Card
Po Box 6190
Sioux Falls, SD 57117-6190

Discover Financial
Po Box 30939
Salt Lake City, UT 84130-0939

First Bank Puerto Rico
Ave Ponce De Leon 1519
San Juan, PR 00909-1703

Freedom Road Financial
10605 Double R Blvd
Reno, NV 89521-8920

INTERNAL REVENUE SERVICES
2970 MARKET STREET
MAIL STOP 5 Q30 133
PHILADELPHIA, PA 19104-5002

Synchrony Bank Sams Club
Attn Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

(p)BMW FINANCIAL SERVICES
CUSTOMER SERVICE CENTER
PO BOX 3608
DUBLIN OH 43016-0306

Citi Card/Best Buy
Po Box 6497
Sioux Falls, SD 57117-6497

(p)DEPARTAMENTO DE TRANSPORTACION Y OBRAS PUB
P O BOX 41269
SAN JUAN PR 00940-1269

FIRSTBANK
PO BOX 9146
SAN JUAN, PR 00908-0146

FirstBank PR
Attn Customer Care Bankruptcy
Po Box 9146
San Juan, PR 00908-0146

Freedom Road Financial
Attn Bankruptcy
10509 Professional Circle Suite 100
Reno, NV 89521-4883

IRS
PO BOX 7346
PHILADELPHIA, PA 19101-7346

Synchrony Bank/Sams Club
Po Box 71727
Philadelphia, PA 19176-1727

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

Amex
Correspondence Bankruptcy
Po Box 981540
El Paso, TX 79998-1540

CITIBANK
PO BOX 6497
Sioux Falls, SD 57117-6497

Costco Citi Card
Attn Bankruptcy
Po Box 6500
Sioux Falls, SD 57117-6500

Discover Financial
Attn Bankruptcy
Po Box 3025
New Albany, OH 43054-3025

First Bank Puerto Rico
Attn Bankruptcy FirstLine Solutions
Po Box 9146
San Juan, PR 00908-0146

FirstBank PR
Ave Ponce De Leon 1519
San Juan, PR 00909-1732

HOME DEPOT CREDIT SERVICES
PO BOX 790328
ST LOUIS, MO 63179-0328

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

EDGARDO MANGUAL GONZALEZ
Emg Despacho Legal, CRL
Edif. Summit Plaza
1738 Amarillo Street
Ste Box 22
San Juan, PR 00926

RICHARD LEANDRO MARTINEZ RIVERA
URB EL CORTIJO
L 13 CALLE 14
BAYAMON, PR 00956-5642

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

BMW FINANCIAL SERVICES
BANKRUPTCY DEPT
PO BOX 3608
DUBLIN, OH 43016-0306

(d)Bmw Financial Services
Attn Bankruptcy Correspondence
Po Box 3608
Dublin, OH 43016

(d)Bmw Financial Services
Po Box 3608
Dublin, OH 43016

DTOP
BOX 41269
MINILLAS STATION
San Juan, PR 00940

PORTFOLIO RECOVERY
120 CORPORATE BLVD SUITE 100
Norfolk, VA 23502

End of Label Matrix
Mailable recipients 29
Bypassed recipients 0
Total 29